THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.334 of 2006

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23.01.2006

Between:

Mohd.Sirajuddin, S/o.Late Khaja Moinuddin

... Petitioner

AND

The Collector, Ranga Reddy District

And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.334 of 2006

ORDER:

The petitioner is a resident of Maheshwaram village in Ranga Reddy District. It is his case that the land admeasuring Acs.9.37 gts., in survey No.511 in the said village was shown in the revenue records as belonging to the petitioner's father. The petitioner claims that after death of his father, he succeeded to the property. When the petitioner was taking necessary steps for getting the property mutated in his name and for obtaining pattadar passbooks and title deed, the fourth respondent tried to interfere with the possession. The petitioner, therefore, filed a suit being O.S.No.55 of 1998, which was dismissed for default. It is alleged that taking advantage of the same, the fourth respondent created false documents and approached the Mandal Revenue Officer, the third respondent herein for obtaining pattadar passbooks. Immediately, thereafter, the petitioner filed an objection petition on 11.11.2005 and it is alleged that without considering the said application as required under the provisions of A.P. Rights in Land and Pattadar Passbooks Act, 1971 (the Act, for brevity), the third respondent is going to issue the passbook in favour of the fourth respondent to consider the objection petition filed by the petitioner.

The learned Counsel for the petitioner placed strong reliance on subsection (3) of

Section 5 of the Act, which is to the effect that it shall be incumbent on the part of the Recording Authority to consider the objections filed by the person, who is likely to be affected by any amendments in the record of rights that may be ordered by the Recording Authority. There cannot be any dispute regarding the legal position. However, the learned Counsel for fourth respondent has brought to the notice of this Court that by proceedings bearing No.B/2391/05 dated 03.12.2005, the third respondent already considered the application made by the petitioner and passed orders to implement the decree in O.S.No.55 of 1998 on the file of the Court of Junior Civil Judge, Ibrahimpatnam, Ranga Reddy District and also sanctioned succession of pattadar rights in favour of the fourth respondent. According to the learned Counsel for fourth respondent, in view of the same, nothing survives in the writ petition and if so aggrieved, the petitioner has to approach the jurisdictional appellate authority against the proceedings of the Mandal Revenue Officer.

A reading of the proceedings of the Mandal Revenue Officer dated 03.12.2005 would show that the fourth respondent claimed the land in survey No.511 being the legal heir of late Yasin Begum and also based on the order of the Civil Court dismissing O.S.No.55 of 1998 for default. No doubt, in the said proceedings nowhere, it was referred to the objection petition allegedly filed by the petitioner on 11.11.2005, which gives a cause of action for the petitioner to invoke the provisions of Section 5(5) of the Act, which provides for an appeal before the Revenue Divisional Officer. Such liberty is reserved to the petitioner and in view of the proceedings issued by the Mandal Revenue Officer, no further adjudication is required in this writ petition. Be it noted, the petitioner approached this Court with a limited prayer directing the Mandal Revenue Officer to consider the objection petition. Now that an order is already passed considering the objection petition, the petitioner can seek appropriate relief before the appellate authority.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

January 23, 2006.

NOTE:

Issue order copy by 25.01.2006.

(By order)

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